

UNITED STATES DISTRICT COURT FILED
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D. Ricky Richardson,
Petitioner,

U.S. DISTRICT COURT
DISTRICT OF MASS

v.

Civil Action N°.:04-cv-40099EFH

Department of Justice
Bureau of Prisons,

Harley Lappen, et al,
Director,

&

David L. Winn, et al,
Warden,

Respondent(s).

PETITIONER'S OPPOSITION TO THE GOVERNMENT'S

MOTION TO EXTEND TIME TO RESPOND

WITH REQUEST

LEAVE FOR TEMPORARY RESTRAINING ORDER AND

A PRELIMINARY INJUNCTION UNDER

FEDERAL RULE OF CIVIL PROCEDURE 65(b)

Now comes Petitioner, Ricky Richardson, acting Pro Se, in the above captioned action before this Honorable Court humbly and respectfully requesting leave to oppose the extention of time requested by the Respondent(s) in the above captioned action. Petitioner is also requesting leave for temporary restraining order and a preliminary injunction under Fed.R.Civ.P. Rule 65(b).

This Honorable Court issued an order on June 8, 2004, giving the Respondents 28 days to file its answer or responsive pleading to the Petitioner's motion pursuant to 2241.

Respondent's are now on July 12, 2004, notifying the Petitioner that they are requesting an extention to respond to petition in order to obtain facts and background information that should be readily available whereas, they was given enoff time to obtain information on this matter and their failure to do so will now cost the Petitioner valuable time.

The Petitioner is respectfully requesting this Honorable Court to grant a restraining order and a preliminary injunction pursuant to Fed.R.Civ.P. 65(b), and then issue a writ after full consideration on the merits.

Petitioner is due to be release August 3, 2004, causing this issue to become moot and whereas, it is a liberty issue involved and time is of the most importants no extentions should be allowed in this instants.

The Respondent waited until July 8, 2004, to request an extention one(1) month after this Honorable Court's order in order to stall for time that is not available in this instant action.

This is not a new issue to the Respondents this issue has been brought to them many times before this Petitioner and will be many times after.

The Respondent(s) is unlawfully preventing the Petitioner from receiving his proper relief by stalling this instant action

by waiting 30 days to request an extention that could have been requested some day before.

Petitioner can provided a set of facts in support of his original 2241 motion which would entitle him to relief by this Honorable Court.

The Respondent's are requesting an additional 21 days to include July 29, 2004, to exceed over the time that this Honorable Court allowed and if such is allowed for further extention this matter would become moot.

CONCLUSION

Wherefore, the herein reason and the time restrains the Petitioner opposes the extention of 21 days and respectfully request this Honorable Court to grant leave for temporary restraining order and a preliminary injunction.

Respectfully submitted on this 14th day of July, 2004.



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CERTIFICATE OF SERVICE

This is to certify that I, D. Ricky Richardson, via U.S. Postal a copy of this foregoing document to the Assistant U.S. Attorney.
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